

MORRISON | FOERSTER

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MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALM BEACH,
SAN DIEGO, WASHINGTON, D.C.,
NORTHERN VIRGINIA, DENVER,
SACRAMENTO, WALNUT CREEK,
TOKYO, LONDON, BRUSSELS,
BEIJING, SHANGHAI, HONG KONG

March 8, 2010

RECEIVED

MAR 09 2010

DTSC - LEGAL OFFICE

Writer's Direct Contact
415.268.6358
WTarantino@mofo.com

Allan Plaza, Unit Chief
Brownfields and Environmental Restoration Program - Chatsworth Office
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

Robert L. Elliott, Staff Attorney
Department of Toxic Substances Control - OLC
P.O. Box 806
Sacramento, California 95812-0806

Re: I&SE Order - Docket No. I&SE 09/10-010;
Jervis B. Webb Company of California Site

Dear Messrs. Plaza and Elliott:

This letter responds to the Imminent and Substantial Endangerment Determination and Remedial Action Order – Docket No. I&SE 09/10-010 (“Order”) addressed to the “Jervis Webb Company.” Morrison & Foerster LLP represents the Jervis B. Webb Company, a Michigan corporation. Pursuant to Section 7 of the Order, the Jervis B. Webb Company hereby notifies DTSC that it is not legally responsible for compliance with the Order, or for remediation of the subject Site.

The Jervis B. Webb Company of California (“Webb of California”) was incorporated in California in 1949. Webb of California ceased operations in 1996, and sold the Rayo Avenue and Firestone Boulevard properties in 1997 and 2002, respectively. In both sales, the purchasers agreed to indemnify Webb of California against known and unknown environmental conditions. Webb of California was dissolved on December 31, 2003.

The Jervis B. Webb Company is and always has been a separate corporate entity from Webb of California. The Jervis B. Webb Company has never owned any property nor operated any facility in South Gate, California, and, as a result, is not a “responsible party” as defined by Health and Safety Code §25323.5 or 42 U.S.C. §9607.

Please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,



William F. Tarantino

MORRISON | FOERSTER

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February 17, 2010

RECEIVED

Writer's Direct Contact

415.268.6007

RPeterson@mofo.com

FEB 22 2010

DTSC. - LEGAL OFFICE

BY U.S. MAIL

Joselene Sanders
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Re: Public Records Act Request Regarding the Jervis B. Webb Co. of California Site
5030 Firestone Boulevard and 9301 Rayo Avenue, South Gate, CA 90280

Dear Ms. Sanders:

Pursuant to the California Public Records Act ("CPRA"), California Government Code section 6250, et seq., I hereby submit this request to the Department of Toxic Substances Control ("DTSC") for an opportunity to review the public records described below.

This request is for the opportunity to review any and all public records, as they are defined in Government Code section 6252(e), related to the two properties comprising the site identified as the "Jervis B. Webb Company of California Site."

1. Property located at 5030 Firestone Boulevard, South Gate, California 90280 ("Webb-Firestone Property") (RCRA Generator ID CAD063798995, Los Angeles County Assessor's Parcel No. 6222-005-024).

I respectfully request the opportunity to review any and all public records, as they are maintained by or in the possession of DTSC, relating to the Webb-Firestone Property including, but not limited to:

- a. Records relating to any and all hazardous materials business plans prepared for the Webb-Firestone Property, prepared pursuant to Cal. Health and Safety Code section 25500, et seq.;
- b. Records relating to any and all hazardous waste manifests prepared for the Webb-Firestone Property;

Joselene Sanders
February 17, 2010
Page Two

- c. Records relating to any and all hazardous materials storage permits issued for the Webb-Firestone Property;
- d. Records relating to any and all waste discharge requirements issued for the Webb-Firestone Property;
- e. Records relating to any and all wastewater discharge permits issued by any publicly owned treatment works for the Webb-Firestone Property;
- f. Records relating to Wastewater Discharge Permit No. 5181 issued by the City of South Gate for the Webb-Firestone Property, and records voiding Permit No. 5181 in approximately 1981;
- g. Records relating to the Notice of Violation issued to Blake Rivet Company by the Sanitation District of Los Angeles County for the Webb-Firestone Property on approximately May 19, 1979;
- h. Records relating to an inspection of the Webb-Firestone Property by a City of South Gate inspector in approximately 1992;
- i. Records relating to a Phase II Soil Investigation of the Webb-Firestone property conducted by Erler & Kalinowski, Inc. in approximately 1998;
- j. Records relating to soil borings and sampling conducted at the Webb-Firestone Property by Jervis Webb Company of California in approximately October 1997;
- k. Records relating to a soil vapor survey conducted at the Webb-Firestone Property in approximately December 1997;
- l. Records relating to the installation, screening, and monitoring of five groundwater monitoring wells, conducted at the Webb-Firestone Property in approximately 1998;
- m. Records relating to the removal, excavation, and backfilling associated with the removal of a clarifier from the Webb-Firestone Property in approximately 1999;
- n. Records relating to the installation and operation of four soil vapor extraction wells and four soil monitoring probes, and the extraction of volatile organic compounds at the Webb-Firestone Property between approximately June 1999 and October 2001;

Joselene Sanders
February 17, 2010
Page Three

- o. Records relating to the drilling of five soil confirmation borings by Jervis B. Webb Company of California conducted at the Webb-Firestone Property in approximately September 2001;
- p. Records relating to the Soil Closure Report for the Webb-Firestone Property submitted by Jervis B. Webb of California Company in approximately October 2001;
- q. Records relating to the No Further Action concurrence for soil at the Webb-Firestone Property issued by the Los Angeles Regional Water Quality Control Board in approximately January 2002;
- r. Records relating to the quarterly and semiannual (and any other periodic) groundwater monitoring that has been conducted at the Webb-Firestone Property from approximately March 1998 to approximately June 2004;
- s. Records relating to the Annual Groundwater Sampling Report conducted by Brown and Caldwell, Inc. at the Webb-Firestone Property on approximately July 22, 2004; and
- t. Records related to any and all Comprehensive Environmental Response, Compensation, and Liability Act investigations conducted at the Webb-Firestone Property.

2. Property located at 9301 Rayo Avenue, South Gate, CA 90280 ("Webb-Rayo Property") (RCRA Generator ID CAD008339467, Los Angeles County Assessor's Parcel No. 6222-005-015).

All public records maintained by or in the possession of DTSC relating to the Webb-Rayo Property including, but not limited to:

- a. Records relating to any and all hazardous materials business plans prepared for the Webb-Rayo Property, prepared pursuant to Cal. Health and Safety Code section 25500;
- b. Records relating to any and all hazardous waste manifests prepared for the Webb-Rayo Property;
- c. Records relating to any and all hazardous materials storage permits issued for the Webb-Rayo Property;

Joselene Sanders
February 17, 2010
Page Four

- d. Records relating to any and all waste discharge requirements issued for the Webb-Ray Property;
- e. Records relating to any and all wastewater discharge permits issued by any publicly owned treatment works for the Webb-Ray Property;
- f. Records relating to the Preliminary Assessment/Site Inspection conducted by Bechtel, Inc. at the Webb-Ray Property in approximately 1994;
- g. Records relating to the removal of a concrete containment structure and open-bottom sump by Erler & Kalinowski, Inc. at the Webb-Ray Property in approximately 1996;
- h. Records relating to soil sampling and excavation conducted at the Webb-Ray Property in approximately 1996 or thereafter;
- i. Records relating to the No Further Action letter issued by the Los Angeles County Department of Public Works for the Webb-Ray Property in approximately 1996;
- j. Records relating to the Annual Groundwater Sampling Report conducted by Brown and Caldwell, Inc. at the Webb-Ray Property on approximately July 22, 2004; and
- k. Records relating to any and all Comprehensive Environmental Response, Compensation, and Liability Act investigations conducted at the Webb-Ray Property.

To the extent DTSC has discretion in providing this information, we respectfully request that the agency exercise its discretion in favor of disclosure. I look forward to receiving your response within 10 days, as required by California Government Code section 6253(c). I will appreciate DTSC's efforts to expedite the processing of this request, by offering the earliest available opportunity to review the records. If I can provide any clarification that will help expedite this request, please contact me at (415) 268-6007.

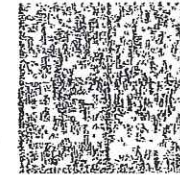
Joselene Sanders
February 17, 2010
Page Five

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Peterson". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Rachel Peterson

cc Robert Elliott, DTSC Senior Staff Counsel



Postage

08-06-10
\$0.105
02-17-2010
US POSTAGE

53995/16

Rachel Peterson

12391/RAP5

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482

Legal

Joselene Sanders
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

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FEB 22 2010

DTSC - LEGAL OFFICE



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
9211 Oakdale Avenue
Chatsworth, California 91311



Arnold Schwarzenegger
Governor

February 10, 2010

Mr. Jose Ramirez

Privacy Act

Certified Mail 7008 1830 0003 5238 8475
Return Receipt Requested

Privacy Act

Certified Mail 7008 1830 0003 5238 8482
Return Receipt Requested

Privacy Act

Certified Mail 7008 1830 0003 5238 8499
Return Receipt Requested

In the Matter of:

Jervis B. Webb Company Site (the "Site")

Site Address: 5030 Firestone Blvd. And 9301 Rayo Ave., South Gate, CA 90280
Los Angeles County Assessor's Parcel Numbers: 6222-005-015 & 6222-0050024

Dear Mr. Ramirez:

The Department of Toxic Substances Control (DTSC) issues the enclosed Imminent and Substantial Endangerment Determination and Remedial Action Order - Docket No. I&SE 09/10 - 010 (Order) to you as a party responsible for investigating and cleaning up a release of hazardous substances at the Site identified above. Please note that an incorrect address was used in the order.

Pursuant to paragraph 6.1 of the Order, you are required to notify DTSC in writing with the name, address, and telephone number of your Project Coordinator within thirty (30) days of the Effective Date of this Order. In addition, Section 7 of the Order requires you to provide written notice to DTSC within 15 days stating whether or not you will comply with the terms of the Order. Failure to notify DTSC pursuant to these sections will be construed as noncompliance with this Order. Please note that you may be liable for substantial penalties and punitive damages if you do not comply with the Order.

Mr. Jose Ramirez
February 10, 2010
Page 2

If you wish to discuss the Order, please contact me at (818) 717-6609 or Mr. Robert Elliott, DTSC Senior Staff Counsel, at (916) 327-6105.

Sincerely,



Allan Plaza
Unit Chief
Brownfields and Environmental Restoration Program – Chatsworth Office

Enclosure

cc: Mr. Robert L. Elliott (w/o enclosure)
Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806

Mr. Eric Yunker (w/o enclosure)
U.S.E.P.A. (SFD-7-3)
75 Hawthorne Street
San Francisco, California 94105



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
9211 Oakdale Avenue
Chatsworth, California 91311



Arnold Schwarzenegger
Governor

February 2, 2010

Certified Mail 7008 1830 0003 5238 8383
Return Receipt Requested

Mr. Jeffrey Palmer
9301 Rayo Avenue
South Gate, California 90280

In the Matter of:

Jervis B. Webb Company Site (the "Site")
Site Address: 5030 Firestone Blvd. And 9301 Rayo Ave., South Gate, CA 90280
Los Angeles County Assessor's Parcel Numbers: 6222-005-015 & 6222-0050024

Dear Mr. Palmer:

The Department of Toxic Substances Control (DTSC) issues the enclosed Imminent and Substantial Endangerment Determination and Remedial Action Order - Docket No. I&SE 09/10 - 010 (Order) to you as a party responsible for investigating and cleaning up a release of hazardous substances at the Site identified above.

Pursuant to paragraph 6.1 of the Order, you are required to notify DTSC in writing with the name, address, and telephone number of your Project Coordinator within thirty (30) days of the Effective Date of this Order. In addition, Section 7 of the Order requires you to provide written notice to DTSC within 15 days stating whether or not you will comply with the terms of the Order. Failure to notify DTSC pursuant to these sections will be construed as noncompliance with this Order. Please note that you may be liable for substantial penalties and punitive damages if you do not comply with the Order.

If you wish to discuss the Order, please contact me at (818) 717-6609 or Mr. Robert Elliott, DTSC Senior Staff Counsel, at (916) 327-6105.

Sincerely,

Allan Plaza
Unit Chief
Brownfields and Environmental Restoration Program – Chatsworth Office

Enclosure

cc: See next page

Mr. Jeffrey Palmer

February 2, 2010

Page 2

cc: Mr. Robert L. Elliott
Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806

Mr. Eric Yunker
U.S.E.P.A. (SFD-7-3)
75 Hawthorne Street
San Francisco, California 94105



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
9211 Oakdale Avenue
Chatsworth, California 91311



Arnold Schwarzenegger
Governor

February 2, 2010

Certified Mail 7005 3110 0002 8425 5425
Return Receipt Requested

Mr. Jose Ramirez

Privacy Act

In the Matter of:

Jervis B. Webb Company Site (the "Site")
Site Address: 5030 Firestone Blvd. And 9301 Rayo Ave., South Gate, CA 90280
Los Angeles County Assessor's Parcel Numbers: 6222-005-015 & 6222-0050024

Dear Mr. Ramirez:

The Department of Toxic Substances Control (DTSC) issues the enclosed Imminent and Substantial Endangerment Determination and Remedial Action Order - Docket No. I&SE 09/10 - 010 (Order) to you as a party responsible for investigating and cleaning up a release of hazardous substances at the Site identified above.

Pursuant to paragraph 6.1 of the Order, you are required to notify DTSC in writing with the name, address, and telephone number of your Project Coordinator within thirty (30) days of the Effective Date of this Order. In addition, Section 7 of the Order requires you to provide written notice to DTSC within 15 days stating whether or not you will comply with the terms of the Order. Failure to notify DTSC pursuant to these sections will be construed as noncompliance with this Order. Please note that you may be liable for substantial penalties and punitive damages if you do not comply with the Order.

If you wish to discuss the Order, please contact me at (818) 717-6609 or Mr. Robert Elliott, DTSC Senior Staff Counsel, at (916) 327-6105.

Sincerely,

Allan Plaza
Unit Chief
Brownfields and Environmental Restoration Program – Chatsworth Office

Enclosure

cc: See next page

Mr. Jose Ramirez
February 2, 2010
Page 2

cc: Mr. Robert L. Elliott
Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806

Mr. Eric Yunker
U.S.E.P.A. (SFD-7-3)
75 Hawthorne Street
San Francisco, California 94105



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
9211 Oakdale Avenue
Chatsworth, California 91311



Arnold Schwarzenegger
Governor

February 2, 2010

Certified Mail 7008 1830 0003 5238 8390
Return Receipt Requested

Mr. Michael Farley
Jervis Webb Company
34375 West Twelve Mile Road
Farmington Hills, Michigan 48331

In the Matter of:

Jervis B. Webb Company Site (the "Site")
Site Address: 5030 Firestone Blvd. And 9301 Rayo Ave., South Gate, CA 90280
Los Angeles County Assessor's Parcel Numbers: 6222-005-015 & 6222-0050024

Dear Mr. Farley:

The Department of Toxic Substances Control (DTSC) issues the enclosed Imminent and Substantial Endangerment Determination and Remedial Action Order - Docket No. I&SE 09/10 - 010 (Order) to Jervis Webb Company as a party responsible for investigating and cleaning up a release of hazardous substances at the Site identified above.

Pursuant to paragraph 6.1 of the Order, you are required to notify DTSC in writing with the name, address, and telephone number of your Project Coordinator within thirty (30) days of the Effective Date of this Order. In addition, Section 7 of the Order requires you to provide written notice to DTSC within 15 days stating whether or not you will comply with the terms of the Order. Failure to notify DTSC pursuant to these sections will be construed as noncompliance with this Order. Please note that you may be liable for substantial penalties and punitive damages if you do not comply with the Order. If you wish to discuss the Order, please contact me at (818) 717-6609 or Mr. Robert Elliott, DTSC Senior Staff Counsel, at (916) 327-6105.

Sincerely,

Allan Plaza, Unit Chief
Brownfields and Environmental Restoration Program – Chatsworth Office

Enclosure

cc: See next page

Mr. Michael Farley
February 2, 2010
Page 2

cc: Mr. Robert L. Elliott
Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806

Mr. Eric Yunker
U.S.E.P.A. (SFD-7-3)
75 Hawthorne Street
San Francisco, California 94105



Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maureen F. Gorsen, Director
9211 Oakdale Avenue
Chatsworth, California 91311



Arnold Schwarzenegger
Governor

October 23, 2008

Mr. Michael Farley
Jervis Webb of California
34375 West Twelve Mile Road
Farmington Hills, Michigan 48331

CERTIFIED MAIL #7005 3110 0002 8425 5142

Mr. Jose Ramirez

CERTIFIED MAIL #7005 3110 0002 8425 5159

Privacy Act

CONSENT ORDER FOR JERVIS B. WEBB OF CALIFORNIA SITE, 5030 FIRESTONE BOULEVARD AND 9301 RAYO AVENUE, SOUTH GATE, CALIFORNIA

Dear Sirs:

The Department of Toxic Substances Control (DTSC) sent you letters, dated May 21, 2007, with an enclosed consent order. The letter requested that you enter into the consent order to agree to participate in the investigation and possible remediation of contamination at the Jervis Web site (Site). DTSC also indicated in the letter that it would issue a unilateral order if the consent order wasn't executed within 45 days. DTSC received no responses from the parties named in the consent order within that time period.

Again, DTSC requests that you enter into the attached consent order for the Site. DTSC must receive the executed consent order within fifteen days (15) days from the date of this letter. DTSC will issue a unilateral order if it does not receive the executed consent order in the allotted time.

Mr. Michael Farley
Mr. Jose Ramirez
October 23, 2008
Page 2

If you have any questions regarding this letter, please contact me, at (818)717-6547 or Mr. Robert Elliott, senior staff counsel, at (916) 327-6105.

Sincerely,



Michel Iskarous
Project Manager
Brownfields and Environmental Restoration Program – Chatsworth Office

Return Receipt Requested

Enclosure

cc: Robert L. Elliott
Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 "I" Street
P.O. Box 806
Sacramento, CA 95812-0806

Mr. Eric Yunker
U.S. EPA (SFD-7-3)
75 Hawthorne Street
San Francisco, CA 94105

Mr Jim Collins
U.S. EPA (ORC-3)
75 Hawthorne Street
San Francisco, CA 94105

Mr. Jeffrey Palmer
Reliable Steel Building Products, Inc
9301 Rayo Avenue
South Gate, CA 90280

RELIABLE STEEL BUILDING PRODUCTS, INC.



9301 Rayo Avenue, South Gate, CA 90280
Phone: (323) 566-5000 FAX: (323) 566-5004
www.reliablesteel.com

February 29, 2008

Mr. Michel Iskarous
Department of Toxic Substances Control
9211 Oakdale Ave.
Chatsworth, CA 91311

Re: Clean Up of Possible Contaminates at 9301 Rayo Ave., South Gate, CA
(The Webb-Rayco Facility)

Dear Mr. Iskarous:

I received a disturbing visit from Mr. Eric Yunker with the EPA on February 26. He indicated to me that I should have received a letter from you, regarding this referenced clean up, and gave me some excerpts from that letter. I purchased this property from The Jervis B. Webb Company in 1997, with the condition that if there were any environmental problems with the property, that Jervis B. Webb would take full responsibility for the clean up.

I have given my full cooperation and assistance with this clean up effort along the way, and it has been my understanding that the clean up of this property had been completed, to the approval of all responsible entities both private and governmental, some years ago and that we were on an environmentally safe property.

I have owned and operated a business, Reliable Steel Building Products, Inc., on this property since its purchase from Webb in 1997. We at Reliable Steel pride ourselves in running a very clean, safe, and environmentally friendly business, and as an example of this, we received an award from CAL OSHA in April 2006. The only industrial activities we have ever performed on this property are: shearing, bending, punching, drilling, taping, shape cutting and welding of steel. All of these activities occur above ground and none of them involve anything seeping into the ground. We did not cause or contribute in any way to any possible contamination of this property.

I am very interested and desirous of getting any possible contamination of this property cleaned up. I am willing to assist with this problem, to the extent of doing whatever is necessary to insure that my employees are working in a safe environment, and by providing access to this facility, to any and all entities necessary to get this property cleaned up. As far as taking any other financial responsibility for this problem goes, however, I am strongly of the opinion that we are not responsible for causing any of this problem, and that we should not be penalized, for always having done our very best to keep the environment clean and safe.

Reliable Steel is not a large publicly held conglomerate. It is a very small (only eleven employees including myself) privately held company, that has reinvested most of it's meager profits back into the business to better serve it's customers, and to provide an ever and ever safer working place for it's employees. I am the sole owner of this company. I live in a modest house four miles from this facility. I have been driving the same car for over ten years, which now has over 160,000 miles on it. [REDACTED] Privacy Act [REDACTED] for managing and operating this business. Neither Reliable Steel or I have the resources to take on a potentially multibillion dollar clean up activity, of a property that we had nothing to do with contaminating or contributing to its contamination in the first place.

I implore you to encourage Jervis B. Webb to live up to their moral and legal responsibly of cleaning up the hazards that they either caused, or turned a blind eye to those who caused, during their ownership.

Please respond to me at your earliest convenience regarding what steps we can take to get this problem remedied.

Very truly yours,

RELIABLE STEEL BUILDING PRODUCTS, INC.



Jeffrey Palmer
President

cc: Mr. Eric Yunker
Superfund Project Manager
U.S. EPA (SFD-7-3)
75 Hawthorne Street
San Francisco, CA 94105